

AO 120 (Rev. 08/10) TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Northern District of California on the following

☒ Trademarks or ☐ Patents. (☐ the patent action involves 35 U.S.C. § 292.);

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT Northern District of California
PLAINTIFF CHANEL, INC., a New York corporation		DEFENDANT HOLLYWOOD TOO, LLC, a California limited liability company, et al.
		CV 12 4207 NC
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 see attached sheet		
2		
3		
4		
5		

CV 12 4207 NC

In the above—entitled case, the following patent(s)/ trademark(s) have been included:







DATE INCLUDED	INCLUDED BY	
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

<u>Mark</u>	<u>Registration No.</u>	<u>Registration Date</u>
	1,654,252	August 20, 1991
	3,025,936	December 13, 2005
	1,501,898	August 30, 1988
	3,025,934	December 13, 2005
	1,734,822	November 24, 1992
CHANEL	1,733,051	November 17, 1992
CHANEL	1,347,677	July 9, 1985
	1,314,511	January 15, 1985
CHANEL	0,626,035	May 1, 1956

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THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHANEL, INC., a New York corporation,

Plaintiff,

v.

HOLLYWOOD TOO, LLC, a California
limited liability company, and KATY
CHAN a/k/a KATY CHEN, an individual,
individually and jointly, d/b/a
HOLLYWOOD TOO, and DOES 1-10,

Defendants.

Case No.

CV 12 4207

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**

Plaintiff, Chanel, Inc., a New York corporation ("Chanel") hereby sues Defendants, Hollywood Too, LLC, a California limited liability company ("Hollywood Too"), and Katy Chan a/k/a Katy Chen, an individual ("Chan"), individually and jointly d/b/a Hollywood Too, and Does 1 - 10 (collectively "Defendants") and alleges as follows:

JURISDICTION AND VENUE

1. This is an action pursuant to (i) 15 U.S.C. §§ 1114, 1116, 1121 and 1125(a). Accordingly, this Court has jurisdiction under 28 U.S.C. §§ 1331, 1332 and 1338. Venue is proper in this Court pursuant 28 U.S.C. § 1391 since the named Defendants conduct business in this Judicial District.

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RICHARD H. BLOOM
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NC

THE PARTIES

2. Chanel is a New York corporation, with its principal place of business in the United States located at Nine West 57th Street, New York, New York 10019. Chanel has been engaged in the business of manufacturing and distributing throughout the world, including within this Judicial District, high quality luxury goods under multiple world famous common law and Federally registered trademarks including those identified in Paragraph 7 below. Chanel regularly enforces its intellectual property rights and authorized that this action be brought in its name.

3. Hollywood Too, upon information and belief, is a limited liability company under the laws of the State of California with its principal place of business within this Judicial District at 805 Grant Avenue, San Francisco, California 94108. Chan is an individual who, upon information and belief resides within this Judicial District and conducts business within this Judicial District at 805 Grant Avenue, San Francisco, California 94108. Upon information and belief, Chan is the moving and conscious force behind the operation of Hollywood Too. All Defendants are subject to personal jurisdiction by this Court.

4. Upon information and belief, Hollywood Too and Chan are directly engaging in the sale of counterfeit and infringing products within this Judicial District as alleged herein, and Chan uses the aliases "Hollywood Too" and "Katy Chen" in connection with the operation of her counterfeiting business.







5. Defendant Does 1-5 are, upon information and belief, individuals who reside and/or conduct substantial business within this Judicial District. Further, Does 1-5 are directly and personally contributing, inducing and engaging in the sale of counterfeit products as alleged herein as partners or suppliers to the named Defendant. Chanel is presently unaware of the true names of Does 1-5. Chanel will amend this Complaint upon discovery of the identities of such fictitious Defendants.

6. Defendants Does 6-10 are business entities which, upon information and belief, reside and/or conduct business within this Judicial District. Moreover, Does 6-10 are, upon information and belief, directly engaging in the sale of counterfeit products as alleged herein as partners or

suppliers to the named Defendant. Chanel is presently unaware of the true names of Does 6-10. Chanel will amend this Complaint upon discovery of the identities of such fictitious Defendants.

COMMON FACTUAL ALLEGATIONS

7. Chanel is the owner and/or exclusive licensee of the following United States Federal Trademark Registrations:

<u>Mark</u>	<u>Registration No.</u>	<u>Registration Date</u>
	1,654,252	August 20, 1991
	3,025,936	December 13, 2005
	1,501,898	August 30, 1988
	3,025,934	December 13, 2005
	1,734,822	November 24, 1992
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CHANEL	1,347,677	July 9, 1985
	1,314,511	January 15, 1985
CHANEL	0,626,035	May 1, 1956

(collectively the "Chanel Marks") which are registered in International Classes 9, 14, and 18 and are used in connection with the manufacture and distribution of, among other things, high quality costume jewelry, including earrings and necklaces, handbags, wallets, and sunglasses.

8. The Chanel Marks have been used in interstate commerce to identify and distinguish Chanel's high quality jewelry, such as costume jewelry, including earrings and necklaces, handbags, wallets, and sunglasses, and other goods for an extended period of time.

9. The Chanel Marks have never been assigned or licensed to any of the Defendants in this matter.

10. The Chanel Marks are symbols of Chanel's quality, reputation and goodwill and have

1 never been abandoned.

2 11. Further, Chanel has expended substantial time, money and other resources
3 developing, advertising and otherwise promoting the Chanel Marks. The Chanel Marks qualify as
4 famous marks as that term is used in 15 U.S.C. §1125(c)(1).

5 12. Chanel has extensively used, advertised and promoted the Chanel Marks in the
6 United States in association with the sale of high quality jewelry, such as costume jewelry, including
7 earrings and necklaces, handbags, wallets, and sunglasses, and other goods and has carefully
8 monitored and policed the use of the Chanel Marks.

9 13. As a result of Chanel's efforts, members of the consuming public readily identify
10 merchandise bearing the Chanel Marks, as being high quality merchandise sponsored and approved
11 by Chanel.

12 14. Accordingly, the Chanel Marks have achieved secondary meaning as identifiers of
13 high quality jewelry, such as costume jewelry, including earrings and necklaces, handbags, wallets,
14 and sunglasses, and other goods.

15 15. Upon information and belief, at all times relevant hereto, the Defendants in this action
16 had full knowledge of Chanel's ownership of the Chanel Marks, including its exclusive right to use
17 and license such intellectual property and the goodwill associated therewith.

18 16. Chanel has discovered the Defendants are promoting and otherwise advertising,
19 distributing, selling and/or offering for sale counterfeit products, including at least costume jewelry,
20 including earrings and necklaces, handbags, wallets, and sunglasses, bearing trademarks which are
21 exact copies of the Chanel Marks (the "Counterfeit Goods"). Specifically, upon information and
22 belief, the Defendants are using the Chanel Marks in the same stylized fashion, for different quality
23 goods.

24 17. Upon information and belief, the Defendants' Counterfeit Goods are of a quality
25 substantially different than that of Chanel's genuine goods. Despite the nature of their Counterfeit
26 Goods and the knowledge they are without authority to do so, the Defendants, upon information and
27 belief, are actively using, promoting and otherwise advertising, distributing, selling and/or offering
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1 for sale substantial quantities of their Counterfeit Goods with the knowledge that such goods will be
2 mistaken for the genuine high quality products offered for sale by Chanel. The net effect of the
3 Defendants' actions will be to result in the confusion of consumers who will believe the Defendants'
4 Counterfeit Goods are genuine goods originating from and approved by Chanel.

5 18. The Defendants advertise their Counterfeit Goods for sale to the consuming public.
6 In so advertising these products, the Defendants use the Chanel Marks. Indeed, the Defendants
7 herein misappropriated Chanel's advertising ideas and entire style of doing business with regard to
8 the advertisement and sale of Chanel's genuine products. Upon information and belief, the
9 misappropriation of Chanel's advertising ideas in the form of the Chanel Marks has occurred, in
10 part, in the course of Defendants' advertising activities and has been the proximate cause of damage
11 to Chanel.

12 19. Upon information and belief, the Defendants are conducting their counterfeiting and
13 infringing activities at least within this Judicial District and elsewhere throughout the United States.
14 As a result, the Defendants are defrauding Chanel and the consuming public for the Defendants' own
15 benefit. Defendants' infringement and disparagement of Chanel does not simply amount to the
16 wrong description of their goods or the failure of the goods to conform to the advertised quality or
17 performance.

18 20. The Defendants' use of the Chanel Marks, including the promotion and advertising,
19 reproduction, distribution, sale and offering for sale of their Counterfeit Goods, is without Chanel's
20 consent or authorization.

21 21. Further, the Defendants are engaging in the above-described illegal counterfeiting and
22 infringing activities knowingly and intentionally or with reckless disregard or willful blindness to
23 Chanel's rights for the purpose of trading on the goodwill and reputation of Chanel. If the
24 Defendants' intentional counterfeiting and infringing activities are not preliminarily and permanently
25 enjoined by this Court, Chanel and the consuming public will continue to be damaged.

26 22. The Defendants' above identified infringing activities are likely to cause confusion,
27 deception and mistake in the minds of consumers, the public and the trade. Moreover, the
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1 Defendants' wrongful conduct is likely to create a false impression and deceive customers, the
2 public and the trade into believing there is a connection or association between Chanel's genuine
3 goods and the Defendants' Counterfeit Goods.

4 23. Chanel has no adequate remedy at law.

5 24. Chanel is suffering irreparable injury and has suffered substantial damages as a result
6 of the Defendants' counterfeiting and infringing activities.

7 25. The injuries and damages sustained by Chanel have been directly and proximately
8 caused by the Defendants' wrongful reproduction, use, advertisement, promotion, offering to sell,
9 and sale of their Counterfeit Goods.

10 26. Chanel has retained the undersigned counsel to represent them in this matter and is
11 obligated to pay said counsel a reasonable fee for such representation.

12 **COUNT I - TRADEMARK COUNTERFEITING AND INFRINGEMENT**

13 27. Chanel hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through
14 26 above.

15 28. This is an action for trademark counterfeiting and infringement against the
16 Defendants based on their promotion, advertisement, distribution, sale and/or offering for sale of the
17 Counterfeit Goods bearing the Chanel Marks.

18 29. Specifically, Defendants are promoting and otherwise advertising, selling, offering
19 for sale and distributing counterfeit and infringing costume jewelry, including earrings and
20 necklaces, handbags, wallets, and sunglasses bearing the Chanel Marks. The Defendants are
21 continuously infringing and inducing others to infringe the Chanel Marks by using them to advertise,
22 promote and sell counterfeit costume jewelry, including earrings and necklaces, handbags, wallets,
23 and sunglasses.

24 30. Defendants' counterfeiting and infringing activities are likely to cause and actually
25 are causing confusion, mistake and deception among members of the trade and the general
26 consuming public as to the origin and quality of Defendants' Counterfeit Goods bearing the Chanel
27 Marks.

1 31. The Defendants' unlawful actions have caused and are continuing to cause
2 unquantifiable damages to Chanel.

3 32. Defendants' above-described illegal actions constitute counterfeiting and
4 infringement of the Chanel Marks in violation of Chanel 's rights under § 32 of the Lanham Act, 15
5 U.S.C. § 1114.

6 33. Chanel has suffered and will continue to suffer irreparable injury due to the above
7 described activities of the Defendants if the Defendants are not preliminarily and permanently
8 enjoined.

9 **COUNT II - FALSE DESIGNATION OF ORIGIN**
 PURSUANT TO § 43(a) OF THE LANHAM ACT

10 34. Chanel hereby adopts and re-alleges the allegations set forth in Paragraphs 1 through
11 26 above.

12 35. The Defendants' Counterfeit Goods bearing and sold under the Chanel Marks have
13 been widely advertised and distributed throughout the United States.

14 36. The Defendants' Counterfeit Goods bearing and sold under the Chanel Marks are
15 virtually identical in appearance to each of Chanel's respective genuine goods. However, the
16 Counterfeit Goods are different and likely inferior in quality. Accordingly, the Defendants'
17 activities are likely to cause confusion in the trade and among the general public as to at least the
18 origin or sponsorship of the Counterfeit Goods.

19 37. The Defendants, upon information and belief, have used in connection with their sale
20 of Counterfeit Goods, false designations of origins and false descriptions and representations,
21 including words or other symbols and trade dress which tend to falsely describe or represent such
22 goods and have caused such goods to enter into commerce with full knowledge of the falsity of such
23 designations of origin and such descriptions and representations, all to the detriment of Chanel.

24 38. Specifically, the Defendants have authorized an infringing use of the Chanel Marks,
25 in the Defendants' advertisement and promotion of their counterfeit and infringing costume jewelry,
26 including earrings and necklaces, handbags, wallets, and sunglasses. The Defendants, have
27 misrepresented to members of the consuming public that the Counterfeit Goods being advertised and
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1 sold by them are genuine, non-infringing products.

2 39. The Defendants' above-described actions are in violation of Section 43(a) of the
3 Lanham Act, 15 U.S.C. §1125(a).

4 40. Chanel has sustained injury and damage caused by Defendants' conduct, and absent
5 an entry of an injunction by this Court, Chanel will continue to suffer irreparable injury to their
6 goodwill and business reputation as well as monetary damages.

7 **PRAYER FOR RELIEF**

8 41. WHEREFORE, Chanel demands judgment jointly and severally against the
9 Defendants as follows:

10 a. The Court enter a preliminary and permanent injunction enjoining Defendants,
11 their agents, representatives, servants, employees, and all those acting in concert or participation
12 therewith, from manufacturing or causing to be manufactured, importing, advertising or promoting,
13 distributing, selling or offering to sell their Counterfeit Goods; from infringing, counterfeiting, or
14 diluting the Chanel Marks; from using the Chanel Marks, or any mark or trade dress similar thereto,
15 in connection with the sale of any unauthorized goods; from using any logo, trade name or
16 trademark or trade dress which may be calculated to falsely advertise the services or products of the
17 Defendants as being sponsored by, authorized by, endorsed by, or in any way associated with
18 Chanel; from falsely representing themselves as being connected with Chanel, through sponsorship
19 or association, or engaging in any act which is likely to falsely cause members of the trade and/or of
20 the purchasing public to believe any goods or services of the Defendants, or in any way endorsed by,
21 approved by, and/or associated with Chanel; from using any reproduction, counterfeit, copy, or
22 colorable imitation of the Chanel Marks in connection with the publicity, promotion, sale, or
23 advertising of any goods sold by the Defendants, including, without limitation, costume jewelry,
24 including earrings and necklaces, handbags, wallets, and sunglasses, and other goods; from affixing,
25 applying, annexing or using in connection with the sale of any goods, a false description or
26 representation, including words or other symbols tending to falsely describe or represent
27 Defendants' goods as being those of Chanel, or in any way endorsed by Chanel and from offering
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1 such goods in commerce; and from otherwise unfairly competing with Chanel.

2 b. The Defendants be required to account to and pay Chanel for all profits and
3 damages resulting from Defendants' trademark infringing and counterfeiting activities and that the
4 award to Chanel be trebled, as provided for under 15 U.S.C. §1117, or, at Chanel's election with
5 respect to Count I, that Chanel be awarded statutory damages from each Defendants in the amount of
6 two million dollars (\$2,000,000.00) per each counterfeit Chanel Mark used and product sold, as
7 provided by 15 U.S.C. §1117(c)(2) of the Lanham Act.

8 c. Chanel be awarded pre-judgment interest on its respective judgment.

9 d. Chanel be awarded its costs and reasonable attorneys' fees and investigators'
10 fees associated with bringing this action.

11 e. Chanel be awarded such other and further relief as the Court may deem just
12 and proper.

13 Dated: August 9, 2012

KRIEG, KELLER, SLOAN, REILLEY & ROMAN LLP

14
15 By: _____

ANNE E. KEARNS

Attorneys for Plaintiff Chanel, Inc.